



Rep. Patricia Reid Lindner

Filed: 3/13/2008

09500HB4291ham001

LRB095 15309 DRJ 48329 a

1 AMENDMENT TO HOUSE BILL 4291

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4291 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by  
5 adding Section 10-29 as follows:

6 (305 ILCS 5/10-29 new)

7 Sec. 10-29. Child's majority; refund of support  
8 overpayment.

9 (a) In this Section, "order for support" and "obligor" mean  
10 those terms as defined in the Income Withholding for Support  
11 Act, except that "order for support" does not mean an order  
12 providing for spousal maintenance under which there is no child  
13 support obligation.

14 (b) If (i) the Department of Healthcare and Family Services  
15 collects child support from an obligor pursuant to an order for

1 support, (ii) the obligor complies with all of the requirements  
2 of the order for support and does not incur any arrearage in  
3 the payment of child support, (iii) the child attains 18 years  
4 of age or graduates from high school and the obligation to pay  
5 child support under the order terminates, (iv) the Department  
6 of Healthcare and Family Services continues to collect child  
7 support from the obligor after the child attains 18 years of  
8 age or graduates from high school and the obligation to pay  
9 child support under the order has terminated and no arrearage  
10 exists, and (v) the Department of Healthcare and Family  
11 Services learns of the possible wrongful collection of child  
12 support, then the Department shall conduct an investigation to  
13 determine whether such a wrongful collection occurred and, if  
14 it determines that such a wrongful collection occurred and was  
15 the fault of the Department, then the Department must refund to  
16 the obligor all amounts of child support collected from the  
17 obligor after the obligation to pay child support under the  
18 order terminated. The Department must make the refund to the  
19 obligor within 60 days after the Department determines that the  
20 wrongful collection of child support occurred."